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LETTER DATED 3 APRIL 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour, on behalf of my Government, to write this letter in order to inform you that the Government of the Republic of Zaire read with astonishment, if not indignation, the contents of the final report of the International Commission of Inquiry established under Security Council resolution 1013 (1995).

The report (S/1996/195) levels serious accusations against my country and its Government without providing the slightest irrefutable proof!

By means of convoluted expressions and pernicious innuendoes, the report seeks to attribute to Zaire responsibility for an arms sale that allegedly took place in Seychelles.

Zaire wishes to remind the Council about the contents of paragraph 50 of the Commission's interim report (S/1996/67 and Corr.1), which reads as follows: "A particularly detailed allegation of involvement in the sale or supply of arms and ammunition to the former Rwandan government forces after the imposition of the embargo concerns Seychelles. Because of the precision with which the dates and other circumstances had been described, the International Commission was able to devote particular attention to this allegation".

In paragraph 51, the Commission further states that "The weapons were said to have been paid for with $300,000 in cash supplied by a senior Rwandan military officer accompanied by a citizen of South Africa ...".

Paragraph 52 of the same interim report contains a blatant falsehood where the Commission states that "The International Commission of Inquiry subsequently independently established that an Air Zaire DC-8 aircraft had left Kinshasa for Mombasa on 16 June 1994 and returned from Goma to Kinshasa on 20 June". In this paragraph, the Commission deliberately neglected to provide the Council with important information which the Zairian authorities had freely made available to it.

In its final report (paragraph 27), the Commission refers the Council to paragraph 26 of the interim report, knowing full well that paragraph 26 does not mention the meeting, let alone the spontaneous handing over to the Commission of "the flight plans of Air Zaire aircraft operating during the month of June 1994 and the Fiche journalière de mouvements aériens" by the President/Director-General of the Régie des voies aériennes.

Zaire is entitled to wonder for what purpose the Commission failed to disclose this important information in its interim report and then introduced it quite inappropriately in its final report!

The spontaneous provision of that information to the Commission by the Zairian official confirms, in effect, what Zaire has always emphatically maintained: "Zaire has nothing to hide in this matter".

In actual fact, this information from a Zairian source bothered certain persons who had vowed to prove that Zaire had not cooperated with the Commission, and above all the Commission distorted the equation which others had the task of demonstrating at any price: "that Zaire had violated the arms embargo"!

What else does the final report state?

After the initial reading, the Government of Zaire makes the following comments:

The contents of paragraph 50 of the interim report completely disappeared in order to make place for flippantly worded insinuations in an extremely serious matter.

The unequal treatment that Zaire had complained about continued throughout the inquiry.

In reply to a question from the Commission, the Minister for Foreign Affairs of Zaire had said that "The Government would like to be informed of who was behind this transport of arms and the circumstances of the traffic, so that it can conduct an inquiry" (see para. 24 of document S/1996/195).

After obtaining certain information from Seychelles after its meeting with the Zairian authorities, the Commission declined to communicate that information to Zaire, even though Zaire had formally requested such information from it, since there is no mention anywhere in the report of such communication, although countries that chose to ignore the step by the Commission continued to receive communications from the Commission or deal with it through their embassies in Kenya! Zaire's guilt had to be demonstrated at any cost. God alone knows how many of these States, which had a particular responsibility, respected resolution 418 (1977) by the same Council.

The Commission has exaggerated the importance of the Air Zaire DC-8 affair so much that it even forgot to verify important facts in its inquiry.

Did the Commission note and respond to the following observations based on its report:

(1) Colonel Bagosora and Mr. Ehlers arrived in Seychelles on 4 June 1994 (appendix VI).

Colonel Bagosora indicated on his immigration card that he had Rwandese nationality. He gave his passport number and its place of issue, Kigali; place of embarkation, Johannesburg; as well as the flight number, HM060. But which airline carried out the flight? The Commission does not say anything about this! Arrival date, 4 June 1994 and departure date 19 June 1996 on flight number AZR4032; again, of what airline? Does the Commission know that Air Zaire flights are identified by the initials QC and not AZR, as the report would seem to indicate? This information can be verified by the International Civil Aviation Organization.

(2) Did the Commission notice that the note "To whom it may concern" (appendix II) and the "Certificat de destination finale" (appendix III) have different dates and that one of the documents indicates the place where it was drawn up, while the other does not? Furthermore, although they come from the same Ministry, they are printed on paper with different letterheads.

There are, moreover, glaring contradictions in the letterhead of the certificate. The words "Cabinet du Vice-Premier Ministre chargé de ..." appear, and then a different designation, "Le Vice-Ministre", is given under the emblem of the Republic.

The aforementioned document chartering the aircraft is dated as having been signed by Colonel Bagosora on 16 June 1994 when he was already in the Seychelles, having entered the country on 4 June 1994.

(3) The munitions and TNT mentioned in the end-user certificate do not correspond to the items described in appendices IV and V of the report. Despite this fact, the items were handed over to Colonel Bagosora!

(4) Mr. Bagosora, although amply identified by means of his immigration card, claimed to have been acting on behalf of Zaire. The Government of Zaire would be glad for an opportunity to examine the document authorizing Mr. Bagosora to act in this capacity that was produced and handed over to the authorities of the Seychelles. Even in the two false documents (appendices IV and V) there is no mention anywhere either of Bagosora's name or even that of Ehlers!

Despite such obvious irregularities, arms were handed over to two international swindlers who were not challenged at any stage of their venture.

In the view of the Government of Zaire, the Commission's final report should have provided clear answers to the questions we have raised above, which are also those of most of the members of the Security Council. In its present form, the report simply raises questions without offering any answers.

In concluding, Zaire would like to stress another important aspect of the Seychelles affair and one that is downplayed in the final report.

In paragraph 13 of its resolution 918 (1994), the Council "Decides that all States shall prevent the sale or supply to Rwanda ...".

The term "sale" presupposes payment. In the case in question, paragraphs 35 and 36 of the Commission's report inform us that two banks located in a country that is a member of the Security Council, namely the Federal Reserve Bank of New York and Chase Manhattan Bank, New York, facilitated the Seychelles transaction by transferring the payments required.

The Commission reports to the Council that the originators of the payment transaction were "Union Bancaire Privée, Genève" in respect of the first sum and "one of our clients" in respect of the second. The Commission does not indicate what type or level of cooperation it received from the country in which the two banking institutions are located.

Zaire reminds the Commission that, in paragraph 1 (c) of its resolution 1013 (1995), the Council imposes on it the obligation "to identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces ...".

On the basis of the foregoing, does the Council feel that it is sufficient to identify the originators of the payment transaction in the case in question? We should here like to stress that without the payment indicated in the report it is almost certain that the Seychelles affair would not have taken place.

The Government of the Republic of Zaire conveys its gratitude to the Council for making available to it, in paragraph 32 of the report, information that will enable it to conduct a follow-up inquiry, as indicated to the Commission by its Minister for Foreign Affairs.

Lastly, the Government of the Republic of Zaire:

(1) Once again denies, in the most categorical terms, having been involved in any attempt whatever to destabilize Rwanda through former members of the Rwandan Armed Forces (FAR), which should not be confused with the Zairian Armed Forces (FAZ);

(2) Deplores the fact that the Commission, in a report that it concludes with what is tantamount to an application for employment (see paragraph 91 (c)) and without adducing any tangible proof, should have gone beyond the scope of the mandate entrusted to it by the Security Council and should have allowed itself to make a biased presentation of the facts conveying the impression that Zaire was involved in supplying arms and related equipment and in providing military training with a view to destabilizing Rwanda;

(3) Confirms its explicit reservations with respect to the conclusions contained in the final report on the grounds that the Commission has failed to comply with the mandate assigned to it and that the procedures followed were of a discriminatory character.

While reserving the right to comment further on the two reports, I request you, Mr. President, to have the present letter circulated as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.